

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JAIDA BURKETT-O'CONNOR

Plaintiff,

VS.

MEDICREDIT, INC.

Defendant.

Case No. 4:14-cv-717

St. Charles County, Missouri

Associate Division

No. 1411-AC00157

**NOTICE OF REMOVAL OF ACTION
UNDER 28.U.S.C. §1331**

(FEDERAL QUESTION JURISDICTION)

NOTICE OF REMOVAL OF CIVIL ACTION

Defendant Medicredit, Inc. (“Defendant”), pursuant to 28 U.S.C. § 1441, hereby removes the above-styled action to this Court from the Circuit Court of St. Charles County, State of Missouri. This is a civil action over which this Court has original subject matter jurisdiction under 28 U.S.C. § 1331 in that Plaintiff’s Petition asserts claims arising under 15 U.S.C. § 1692 *et seq.*, the Fair Debt Collection Practices Act (the “FDCPA”). In support hereof, Defendant states as follows:

INTRODUCTION

1. On January 13, 2014, Plaintiff Jaida Burkett-O'Connor ("Plaintiff") filed her Petition for Damages (the "Petition") in the Associate Division of St. Charles County, Missouri thereby commencing the instant action styled, *Jaida Burkett-O'Connor v. Medicredit, Inc.*, Cause No. 14AC-00157.

2. The one-count Petition relates to Defendant's alleged attempt to collect on a debt (the "Debt") due and owing by Plaintiff to a third-party creditor (the "Creditor").

3. Specifically, Plaintiff alleges that Defendant violated the FDCPA in its attempt to collect the Debt.

NOTICE OF REMOVAL IS TIMELY

4. Plaintiff filed her Petition on January 13, 2014.

5. On January 23, 2014, Plaintiff received a Notice of Service indicating that Defendant had been served.

6. Defendant was served with Plaintiff's Petition on March 28, 2014.

7. This Notice of Removal is timely because it is filed within thirty (30) days of Defendant's receipt of service of the Petition and within one year of the commencement of this action as required by 28 U.S.C. §1446(b).

FEDERAL QUESTION JURISDICTION EXISTS

8. The Court has original jurisdiction over this action under 28 U.S.C. § 1331 and this case may be removed pursuant to 28 U.S.C. §1441(a) because it involves a federal question based upon the FDPCA.

REMOVAL TO THIS DISTRICT IS PROPER

9. Venue is proper in the United States District Court for the Eastern District of Missouri and is proper in the Eastern Division under 28 U.S.C. §§ 1441(a) and 1446(a) because the Circuit Court for St. Charles County is located within the Eastern Division of this judicial district. Venue is also proper under Local Rule 3-2.07(B) because the action being removed is a civil action brought against a single defendant and the claim for relief arose in St. Charles County.

10. Pursuant to 28 U.S.C. § 1446(a) and Local Rule 81-2.03, true and correct copies of all pleadings on file with the St. Charles County Circuit Court to date are attached hereto as **Exhibit A.**

11. Written notice of the filing of this Notice of Removal will be promptly served on Plaintiff's counsel and a copy has been filed with the Clerk of the Circuit Court of St. Charles County, State of Missouri.

12. Defendant's Notice to Clerk of Filing Notice of Removal will also be promptly filed with the Clerk of the Circuit Court of St. Charles County, State of Missouri.

13. Defendant hereby reserves any and all rights to assert any and all defenses to Plaintiff's Petition, including but not limited to failure to state a claim upon which relief can be granted.

14. Defendant reserves the right to amend or supplement this Notice of Removal.

15. Defendant has not answered the Petition in state court, and will do so consistent with Fed. R. Civ. P. 8(c).

WHEREFORE, Defendant Medcredit, Inc. respectfully removes this action now pending in the Circuit Court of St. Charles County, State of Missouri to this Court.

Respectfully submitted,

LATHROP & GAGE LLP

/s/ Scott J. Dickenson

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**Attorneys for Defendant
Medcredit, Inc.**

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above pleading was served by the Court's ECF system on this 10th day of April, 2014 on counsel of record.

/s/ Scott J. Dickenson